

Pt. 99

45 CFR Subtitle A (10–1–02 Edition)

(d) The Department will provide a written response to complaints within 180 days after receipt. If a final resolution cannot be provided at that time, the response will state the reasons why additional time is necessary.

(e) Complaints that are not satisfactorily resolved through communication with the Lead Agency will be pursued through the process described in § 98.90.

PART 99—PROCEDURE FOR HEARINGS FOR THE CHILD CARE AND DEVELOPMENT FUND

Subpart A—General

Sec.

- 99.1 Scope of rules.
- 99.2 Presiding officer.
- 99.3 Records to be public.
- 99.4 Suspension of rules.
- 99.5 Filing and service of papers.

Subpart B—Preliminary Matters—Notice and Parties

- 99.11 Notice of hearing or opportunity for hearing.
- 99.12 Time of hearing.
- 99.13 Place.
- 99.14 Issues at hearing.
- 99.15 Request to participate in hearing.

Subpart C—Hearing Procedures

- 99.21 Authority of presiding officer.
- 99.22 Rights of parties.
- 99.23 Discovery.
- 99.24 Evidentiary purpose.
- 99.25 Evidence.
- 99.26 Unsponsored written material.
- 99.27 Official transcript.
- 99.28 Record for decision.

Subpart D—Posthearing Procedures, Decisions

- 99.31 Posthearing briefs.
- 99.32 Decisions following hearing.
- 99.33 Effective date of Assistant Secretary's decision.

AUTHORITY: 42 U.S.C. 618, 9858.

SOURCE: 57 FR 34428, Aug. 4, 1992, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 99 appear at 63 FR 39998, July 24, 1998.

Subpart A—General

§ 99.1 Scope of rules.

(a) The rules of procedure in this section govern the practice for hearings

afforded by the Department to Lead Agencies pursuant to §§ 98.18(c) or 98.91, and the practice relating to the decisions of such hearings.

(b) Nothing in this part is intended to preclude or limit negotiations between the Department and the Lead Agency, whether before, during, or after the hearing, to resolve the issues which are, or otherwise would be, considered at the hearing. Such negotiations and resolution of issues are not part of the hearing and are not governed by the rules in this part, except as expressly provided herein.

§ 99.2 Presiding officer.

(a) (1) The presiding officer at a hearing shall be the Assistant Secretary or the Assistant Secretary's designee.

(2) The designation of the presiding officer shall be in writing. A copy of the designation shall be served on all parties.

(b) The presiding officer, for all hearings, shall be bound by all applicable laws and regulations.

§ 99.3 Records to be public.

All pleadings, correspondence, exhibits, transcripts of testimony, exceptions, briefs, decisions, and other documents filed in the docket in any proceeding may be inspected and copied in the office of the Assistant Secretary. Inquiries may be made at the Administration for Children and Families, 370 L'Enfant Promenade SW., Washington, DC 20447.

§ 99.4 Suspension of rules.

With notice to all parties, the Assistant Secretary for Children and Families or the presiding officer, with respect to pending matters, may modify or waive any rule in this part upon determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 99.5 Filing and service of papers.

(a) An original and two copies of all papers in the proceedings shall be filed with the presiding officer. For exhibits and transcripts of testimony, only the originals need be filed.

(b) All papers in the proceedings shall be served on all parties by personal delivery or by certified mail. Service on